



11/22 2/22

PATENT  
Docket No.: 16356.686 (DC-03130)  
Customer No.: 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peppers, Cherita et al

Serial No. 10/087,384

Filed: March 1, 2002

For: METHOD AND APPARATUS FOR  
AUTOMATED OPERATING SYSTEMS  
UPGRADE

§  
§  
§ Group Art Unit: 2122  
§  
§  
§  
§ Examiner: Romano, John J.  
§  
§  
§

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 2, 2005, enclosed are the following regarding the above-identified patent application:

1. Amendment and Request for Reconsideration Under 37 CFR §1.111;
2. Transmittal letter; and
3. Return postcard.

[ ] Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.

[ X ] No additional fee is required.

The fee has been calculated as shown below:

<u>(Col. 1)</u>					<u>(Col. 2)</u>		<u>(Col. 3)</u>		<u>SMALL ENTITY</u>		<u>OTHER THAN A SMALL ENTITY</u>		
CLAIMS REMAINING AFTER AMENDMENT					HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE FEE	ADDIT.	<u>OR</u>	RATE FEE	ADDIT.
TOTAL	20	minus	40	= 0	x 25	\$_____	OR	x 50	\$_____				
INDEP	2	minus	4	= 0	x 100	\$_____	OR	x 200	\$_____				
[ ]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+180	\$_____	OR	+ 360	\$_____			
						TOTAL	\$_____	OR	TOTAL	\$_____			

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

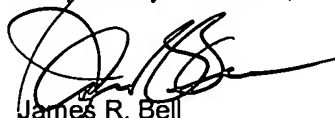
**PATENT**

Docket No.: 16356.686 (DC-03130)

Customer No.: 000027683

- [ ] Please charge Deposit Account No. [08-1394 H&B] in the amount of \$ \_\_\_\_\_.
- [ ] A check in the amount of \$ \_\_\_\_\_ is attached.
- [X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B, Order No. 16356.686 (DC-03130)].
- [X] Any additional filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- [ ] Any patent application processing fees under 37 C.F.R. §1.17.
- [ ] A copy of this sheet is enclosed.

Respectfully submitted,



James R. Bell

Registration No. 26,528

Dated: 2-1-06  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202 3789  
Telephone: 512/867-8407  
Facsimile: 214/200-0853  
ipdocketing@haynesboone.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on

Date

Feb 1, 2006



Susan C. Lien



**PATENT**  
Docket No.: 16356.686 (DC-03130)  
Customer No.: 000027683

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	§
Peppers, Cherita et al	§
Serial No. 10/087,384	§ Group Art Unit: 2122
Filed: March 1, 2002	§
For: METHOD AND APPARATUS FOR	§
AUTOMATED OPERATING SYSTEMS	§
UPGRADE	§
	§ Examiner: Romano, John J.

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present paper is being submitted in response to the Office Action dated November 2, 2005, in the above-identified application.

**INTRODUCTORY COMMENTS**

Claims 1 and 14 are amended, claims 10 and 23 are canceled, and claims 1-9, 13, 14-22 and 26 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.